



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: February 24, 2016

To: Robert Best, Chairman, & Members, Planning Board

From: Robert Price, Assistant Planner

Subject: **Derek Locke & Julie Jones (applicants/owners)** — Review for acceptance and consideration of Final Approval for a minor subdivision of one lot into two lots. The parcel is located in the R (Residential) and Aquifer Conservation Districts and Wellhead Protection area. Tax Map 3C, Lot 025-01.

Background

Map 3C/Lot 025-01 is located at 41 Ingham Road. The property is located in the R (Residential) and Aquifer Conservation Districts and Wellhead Protection Area, is approximately 2.4 acres in size and contains an existing residence. It is abutted by residential uses and conservation land. The applicant intends to subdivide the property into two lots, each to be serviced by municipal water (MVD) and municipal sewer.

At the January 27, 2016 ZBA meeting, the applicant was granted variances under Section 3.02 of the Zoning Ordinance to permit a 2-lot subdivision with lots containing 103.07 feet, and 101.93 feet of frontage whereas 150 feet is required.

Completeness

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Waivers

Although none have been requested, staff recommends a sidewalk waiver be submitted in writing per Section 4.06.1(r) of the Subdivision and Site Plan Regulations, or a determination under Section 4.07 that it is not necessary.

Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:36:

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Recommendation

Based on the information available to date, **staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall obtain all required State approvals/permits (NHDES Subdivision, NHDES Wetlands, and any others as may be applicable), note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
3. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
4. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;
6. The applicant shall address the following comments from the Building Department:
 - a. Additional code requirements may be requested with building permit applications;
7. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
8. The applicant shall address the following comments from the Public Works Department:
 - a. The existing cul-de-sac easement should be formalized if not already completed – The easement is shown on the reference plan #27970 as part of the Weathersfield Subdivision;
 - b. The recorded easement reference should be labeled on the plan;
9. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
10. The applicant shall address the following Planning Staff Technical Comments:
 - a. Revise Note 6 spelling of "services" to "serviced";
 - b. Note 10 indicates that wetlands were delineated and the legend includes wetland symbology. However neither wetlands, nor wetland setbacks are visible on the plan. If wetlands are present, then they should be shown. If they are not, then Note 10 should be removed. If there is a second sheet to the plan set that shows the wetlands information, it must be provided;
 - c. If wetlands were delineated and are present, then the plan needs to be stamped and signed by a Certified Wetlands Scientist;

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways.

Cc: Planning Board File
Correspondence

Ec: Derek Locke (owner)
Daniel Higginson, Meridian Land Services, Inc.
Loren Martin & Tracy Doherty, Assessing Department
Fred Kelly, Carol Miner & Leslie Tejada, Building Department
Mike Currier, Brian Borneman & John Manuele, Merrimack Fire Department
Lori Barrett, Highway Division
Ron Miner, Merrimack Village District
Mark Doyle, Police Department
Kyle Fox, Public Works Department
Jim Taylor & Ken Conaty, Wastewater Division

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